

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Southern District of TexasUnited States District Court
Southern District of Texas
FILED

DEC 10 2014

United States of America
v.
Magda GUAJARDO-Barrera
(YOB: 1969; Mexican)David J. Bradley, Clerk
Case No. *M-14-2317-M**Defendant(s)*

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 9, 2014 in the county of Starr in the
Southern District of Texas, the defendant(s) violated:*Code Section*
21 USC 841
21 USC 846*Offense Description*
defendant did, knowingly and intentionally possess with the intent to distribute approximately 21 kilograms / 46.2 pounds of cocaine, a Schedule II controlled substance, and did knowingly and intentionally conspire to possess with intent to distribute with persons known and unknown approximately 21 kilograms / 46.2 pounds of cocaine, a Schedule II controlled substance

This criminal complaint is based on these facts:

See Attachment A

☒ Continued on the attached sheet.*Approved by*
Joseph Leonard
Complainant's signature
Erik Thelander, HSI Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: 12/10/2014 *8:36 am*
Judge's signatureCity and state: McAllen, TexasPeter E. Ormsby, U.S. Magistrate Judge
Printed name and title

Attachment A

Before the United States Magistrate Judge, Southern District of Texas, I, Erik Thelander, a Special Agent, with United States Immigration and Customs Enforcement / Homeland Security Investigations, being duly sworn, depose and say the following:

On December 9, 2014, at approximately 10:45 A.M., Magda GUAJARDO-Barrera and passenger presented themselves for inspection and entry into the United States at the International Port of Entry (POE) in Rio Grande City, Texas. GUAJARDO was driving a black 2005 Jeep Cherokee that she had recently purchased in Reynosa, Tamaulipas, Mexico. United States Customs and Border Protection Officers (CBP) asked for and received a negative declaration for having illegal narcotics, monetary instruments worth more than \$10,000, and food or animals. CBP continued to question GUAJARDO about the amount of money she had in her possession, and GUAJARDO hesitated and blurted out \$200 or \$300 to the officer. CBP had not seen GUAJARDO, who crosses regularly through the POE, in the Jeep before. CBP referred the vehicle, GUAJARDO, and passenger to secondary inspection for a more thorough examination.

CBP observed what appeared to be fresh spray paint and/or fiberglass repair (bondo) on the rear undercarriage of the vehicle. CBP had the vehicle x-rayed and the x-ray revealed brick like objects between the floor and spare tire of the vehicle. CBP began to inspect the area the x-ray revealed, and CBP located a non-factory compartment that contained 19 bricks of cocaine with a total combined weight of approximately 21 kilograms / 46.2 pounds. The door of the non-factory compartment was raised and lowered by an electrically controlled rod. GUAJARDO and passenger were escorted to a holding room inside the POE to be interviewed about the cocaine in the vehicle.

Homeland Security Investigations Special Agents (HSI) responded to the POE to assist with the seizure of cocaine. HSI and CBP interviewed GUAJARDO and she stated she had purchased the Jeep about two weeks ago from Compras y Ventas de Autos en Reynosa. After purchasing the vehicle, the salesman offered to take the vehicle to the United States and have it inspected for any legal or mechanical problems. GUAJARDO agreed and the salesman was in possession of the vehicle for two days, before returning the vehicle back to GUAJARDO. Since then, GUAJARDO has crossed into the United States with the vehicle three previous times before being stopped today. During a crossing on December 1, 2014, GUAJARDO was stopped by CBP and the vehicle was inspected by officers and a

narcotics detection canine. The inspection was negative and GUAJARDO was allowed to enter into the United States.

On December 9, 2014, GUAJARDO was coming to the United States to take her niece to the Walmart Store in Rio Grande City, Texas for a job interview.

GUAJARDO had left her cellular telephone at her home in Mexico and was using her girlfriend's recently activated pre-paid cellular telephone. GUAJARDO was in possession of \$2,300 from her business and she was going to deposit the money in her bank account at IBC. GUAJARDO stated she is the owner of the Hotel Guadalupano in Ciudad Camargo, Tamaulipas, Mexico. It is a small hotel with 17 rooms, which are occupied from time to time, but never to capacity. GUAJARDO was asked about the cocaine in the vehicle and she stated she did not know anything about a false compartment and/or cocaine in her vehicle. The only time GUAJARDO was not in possession of her vehicle is when her brother-in-law took the Jeep to have it washed yesterday.